

**Department of Health and Senior Services
New Jersey Administrative Code 8:57-8.4**

SUBCHAPTER 8. CHILDHOOD IMMUNIZATION INSURANCE COVERAGE

8:57-8.1 Purpose and scope

1. The purpose of this subchapter is to set forth the standards by which carriers shall provide benefits or services for immunizations, to increase access to childhood vaccines and to improve New Jersey's immunization coverage rate among preschool- and school-aged children.
2. This subchapter shall apply to every carrier delivering, issuing for delivery or renewing health benefits plans in this State which health benefits plans are not otherwise subject to N.J.S.A. 17B:27A-2 et seq. (the Individual Health Coverage Program) or N.J.S.A. 17B:27A-17 et seq. (the Small Employer Health Benefits Program).

8:57-8.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Advisory Committee on Immunization Practices" or "ACIP" means an advisory committee to the Centers for Disease Control and Prevention (CDC) that is made up of technical experts needed to advise the CDC on determining national immunization schedules and recommendations.

"Carrier" means a hospital service corporation (N.J.S.A. 17:48-1 et seq.), a health service corporation (N.J.S.A. 17:48E-1 et seq), an insurer authorized to transact a health insurance business pursuant to Title 17B of the New Jersey Statutes, and a health insurance maintenance organization (N.J.S.A. 26:2J-1 et seq.).

"Centers for Disease Control and Prevention" or "CDC" means a federal agency which is the lead agency in the nation for disease prevention and control.

"Commissioner" means the Commissioner of the New Jersey Department of Health and Senior Services.

"Deductible" means the amount of covered charges that are paid by the insured before his or her policy pays any benefits for such charges.

"DTP" means a combined vaccine which includes toxoids and antigens to prevent diphtheria, tetanus and pertussis diseases.

"DTaP" means a combined vaccine which includes toxoids and antigens to prevent diphtheria, tetanus and a more purified antigenic component of the *Bordetella pertussis* (acellular pertussis) to prevent pertussis disease, and which may also reduce the likelihood of an adverse vaccine reaction.

“Hepatitis B immune globulin” or “HBIG” means hepatitis B immune globulin which is a short acting biological substance given only to individuals known to have been recently exposed to hepatitis B disease.

“Hepatitis B surface antigen” or “HBsAG” means a protein or carbohydrate substance which is present on the surface of the hepatitis B virus, and which stimulates the production of antibodies when introduced into the body.

“Hepatitis B virus vaccine” or “HBV” means a vaccine containing antigens to prevent hepatitis B virus disease.

“Health benefits plan” means any policy or contract delivered, issued for delivery or renewed in this State by a carrier that covers hospital or medical services or provides benefits for hospital or medical expenses.

“Immunization” means the immunizing agent itself, as well as the process and procedures associated with immunizing persons to prevent disease.

“Immunobiologics” means antigenic substances, such as vaccines or toxoids, or antibody-containing preparations, such as globulins and antitoxins, from human or animal donors. These products are used for active or passive immunization. The following are examples of immunobiologics: vaccine, toxoid, immune globulin (IG), intravenous immune globulin (IGIV), specific immune globulin, and antitoxin.

“Influenza vaccine” means vaccines that are produced annually to prevent disease from the most prevalent strains of influenza virus circulating in the world or country.

“*Morbidity and Mortality Weekly Report*” or “*MMWR*” means a weekly publication issued by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, Atlanta, Georgia 30333.

“Medical contraindication” means a condition in a recipient which is likely to result in a life-threatening problem if the vaccine were given.

“Outbreak” means more than the normally expected number of cases of a disease occurring in a circumscribed location over a specified time period, normally days or weeks.

“Pneumococcal vaccine” means a vaccine which contains antigens to prevent the occurrence of pneumonia in certain high risk populations.

“Post-exposure prophylactic doses” means prescribed amounts of vaccines and/or other medications which are administered to an individual who was, or who has a strong likelihood of having been exposed to a preventable disease.

“Td” means a combination vaccine which includes toxoids to prevent diphtheria and tetanus diseases only. It is normally recommended for older children and adults.

“Vaccines” means those immunizing agents composed of antigenic substances such as a vaccine or toxoid, or an antibody-containing preparation such as globulin when used to actively or passively immunize a person to prevent disease.

8:57-8.3 Immunizations that must be covered

- a. A carrier shall provide benefits or services covering the expenses of immunizations for children as set forth in (b) below, including the costs of immunobiologics and administration of the immunizations, except that nothing in this paragraph shall be construed to require a carrier to exceed its negotiated fee or the usual and customary fee for services rendered in the administration of an immunization.
- b. A carrier shall provide services or benefits for:
 - 1. Immunizations which are specified in the "Recommended Childhood Immunization Schedule" published by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention in the *Morbidity and Mortality Weekly Report*, as amended from time to time, which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, telephone (202) 512-1800; and
 - 2. All routine childhood vaccines as specified in the "Recommended Childhood Immunization Schedule":
 - i. In single or combined form;
 - ii. Pediatric diphtheria tetanus toxoid (DT) when a medical contraindication to DTP or DTaP exists;
 - iii. Single antigen measles or rubella vaccine, or measles and rubella (MR) vaccine when medically indicated or recommended;
 - iv. Hepatitis B immune globulin (HBIG) given concurrently with hepatitis B vaccine when medically indicated for newborns of mothers with HBsAG positive status, or unknown HBsAG status, or other close family contacts as determined by known risk factors;
 - v. Influenza, hepatitis A, and pneumococcal or other vaccines as recommended by the CDC for high risk children.
 - 3. Such immunizations as are recommended or mandated, as the case may be, including post-exposure prophylactic doses, in the event that the Commissioner, or his/her designee, declares that an outbreak of a communicable disease exists or is threatened for which an immunization or program of immunizations is available.
- c. Carriers shall provide benefits or services for immunizations to be the same extent as for other medical conditions under the health benefits plan, except that no carrier shall require satisfaction of any deductible, in whole or in part, prior to the provision of benefits or services for immunizations to covered children. A carrier may require payment of a co-payment to the extent that the co-payment shall not exceed the co-payment for other similar services, except that no co-payment shall apply to a Medicaid enrolled child participating in either Plan A, Plan B, Plan C, or Plan D of the New Jersey Medicaid or New Jersey KIDcare Programs.
- d. Carriers shall not deny benefits or services for immunizations provided to a covered child at an age that is later than that set forth in the "Recommended Childhood Immunization Schedule" if the immunization is otherwise necessary to complete the schedule of immunizations for that child as specified in the "Recommended Childhood Immunization Schedule".
- e. Carriers shall provide benefits or services for doses which have to be repeated because previous doses received by a covered child are considered invalid by the DHSS due to administration before the medically recommended time, or due to administration prior to the recommended time interval between immunizations.

8:57-8.4 Penalties

- a. Carriers authorized to transact an insurance business in this State pursuant to Title 17 or Title 17B of the New Jersey Statutes that fail to comply with this subchapter shall be subject to penalties or fines available under those statutes, as specified by the Commissioner of Banking and Insurance.
- b. Carriers authorized to transact business in this State pursuant to N.J.S.A. 26:2J-1 et seq. that fail to comply with this subchapter shall be subject to penalties or fines available under N.J.S.A. 26:2J-1 et seq., or as are otherwise available under the laws of this State.